

REMARKS

Claims 1-17 were examined by the Office, and in the final Office Action of September 19, 2007 all claims are rejected. With this response claims 1, 8, 10 and 17 are amended to include limitations similar to those recited in claim 2, and claims 2 and 3 are cancelled.

Applicant acknowledges that the claims are being amended after a final Office Action, but respectfully requests entry and consideration of the amendments. Applicant respectfully submits that the claims are amended to include limitations from a dependent claim, which the Office has previously examined and rejected on the basis of the cited references. Accordingly, applicant respectfully submits that since the Office has already had the chance to examine the limitations recited in the amended claims, the amendments to the claims will require no additional search or substantive examination on the part of the Office. Applicant respectfully submits that the incorporation of limitations from a dependent claim into an independent claim cannot be considered to raise new issues. Therefore, applicant respectfully requests entry and consideration of the amendments to claims 1, 8, 10 and 17.

Claim Rejections Under § 103

In section 1, on page 2 of the Office Action, claims 1-6, 8-15 and 17 are rejected under 35 U.S.C. § 103(a) as unpatentable Naruse et al. (U.S. Patent No. 6,2623,010) in view of Applicant's Own Admitted Prior Art (AOAPA). Claim 1 is amended to include limitations from claim 2, and accordingly recites that the synchronization is continued after the measurement related interrupt with a newly received code same and with available code samples proceeding from the code phase of the available code reached in the synchronization between the measurement related interrupt shifted by an amount corresponding to the time elapsed between the time of reception of the last code sample before the measurement related interrupt and the time of reception of the new code sample after the measurement related interrupt. Therefore, claim 1 as amended recites that the synchronization continues at the code phase before the interrupt taking into consideration the time of the interrupt.

Applicant respectfully submits that Naruse and the AOAPA, alone or in combination, fail to disclose or suggest at least this limitation recited in claim 1. The Office asserts on page 6 of the Office Action, in rejecting claim 2, that the propagation time difference of the pilot signal between before the movement and after the movement is interpreted as the claimed elapsed time. However, applicant respectfully submits that the time difference referred to in Naruse and relied upon by the Office is entirely different from the time elapsed as recited in claim 1.

Figure 5 of Naruse shows the second PN search control procedure that is used if power has been turned off and then back on in the mobile station PS. In the second PN search control procedure the control circuit (13) supplies a phase derived on the basis of the phase information of the PN code held in the PN period holding counter (234) to the PN code generation circuit (231) of the search receiver (23). The control circuit also specifies a search width of the PN code. See Naruse column 7, lines 23-26. The search width considers the propagation time difference of the pilot signal between before the movement and after the movement to ensure acquisition of the short code synchronization. The propagation time difference is related to the location of the mobile station in a sector, and has nothing to do with the amount of time that the power of the mobile station was turned off, i.e. interrupted, as recited in claim 1. Therefore, for at least this reason, claim 1 as amended is not disclosed or suggested by Naruse.

Furthermore, the propagation time difference is only used to set the search width of the PN code, and has no impact on the phase derived on the basis of the phase information of the PN code held in the PN period holding counter that is used after the mobile station PS is turned on. Therefore, even if the propagation time difference is interpreted as the elapsed time as recited in claim 1, which applicant does not admit is correct, Naruse still fails to disclose or suggest the limitations recited in claim 1, because synchronization is not continued after the interrupt with the code of the available code reached before the interrupt shifted by the elapsed time between reception of the last code sample before the interrupt and the new code sample after the interrupt. In addition, the AOAPA fails to make up for the deficiencies in the teachings of Naruse identified above, and therefore the cited references, alone or in combination fail to disclose or suggest all of the limitations recited in claim 1.

Independent claims 8, 10 and 17 are amended to contain limitations similar to those recited in claim 1, are rejected for similar reasons as claim 1. Therefore, for at least the reasons discussed above in relation to claim 1, claims 8, 10 and 17 are not disclosed or suggested by Naruse in view of the AOAPA.

The claims rejected above and depending from the above mentioned independent claims are not disclosed or suggested by Naruse at least in view of their dependencies.

In section 2, on page 10 of the Office Action, claims 7 and 16 are rejected under 35 U.S.C. § 103(a) as unpatentable over Naruse in view of AOAPA, and in further view of Jeong et al. (U.S. Appl. Publ. No. 2001/0014086). Claims 7 and 16 ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

For at least the foregoing reasons, applicant respectfully submits that the present application is in condition for allowance and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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s/Keith R. Obert/

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